

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DEMONTRAY WARD,

Plaintiff

v.

DR. ENIGK, et al.,

Defendants

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: 1:20-CV-615
: (JUDGE MARIANI)
:
:
:

ORDER

AND NOW, THIS 5th DAY OF MAY, 2022, upon *de novo* review of Magistrate Judge Martin C. Carlson's Report & Recommendation ("R&R") (Doc. 45), the Objections of Plaintiff (Doc. 48) and Defendants (Docs. 59, 60) thereto, and all other relevant documents, and for the reasons set forth in the Court's accompanying memorandum opinion, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 45) is **ADOPTED IN PART** and **OVERRULED IN PART** as set forth herein.
2. Plaintiff's Objections (Doc. 48) are **OVERRULED** for the reasons set forth in the Court's accompanying memorandum opinion.
3. Defendants' Objections (Docs. 59, 60) are **SUSTAINED IN PART** and **OVERRULED IN PART** for the reasons set forth in the Court's accompanying memorandum opinion.

4. Defendants' "Motion to Dismiss and for Summary Judgment" (Doc. 29) is

GRANTED IN PART and DENIED IN PART as follows:

a. Defendants' motion for summary judgment as to Dr. Jennifer Enigk is

GRANTED.

b. Defendants' motion to dismiss Plaintiff's First Amendment retaliation

claim is **GRANTED.**

c. Defendants' motion to dismiss Plaintiff's Eighth Amendment excessive

force/conditions of confinement claims is **GRANTED.**

d. Defendants' motion to dismiss Plaintiff's Eighth Amendment inadequate

medical treatment claim is **DENIED.**

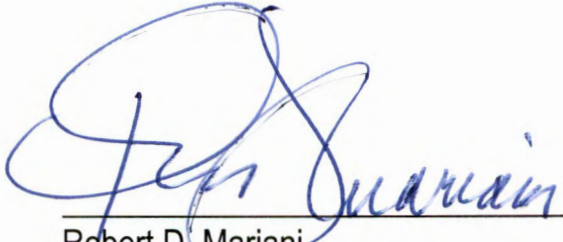
5. Defendants Dr. Jennifer Enigk, Lt. Rodney Troutman, Lt. Justin Leonowicz, and

Lt. Eric Stuart are **DISMISSED** from this action consistent with this Order and for

the reasons set forth in this Court's memorandum opinion.

6. The above-captioned action is remanded to Magistrate Judge Carlson for further

proceedings consistent with this Order.



Robert D. Mariani
United States District Judge